

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 20-1210 JP

CHARLES JUSTICE,


Defendant.

**ORDER**

On July 1, 2020 Defendant filed a FIRST UNOPPOSED MOTION TO CONTINUE TRIAL AND MOTION TO EXTEND TIME TO FILE MOTIONS [Doc. No. 43]. In reviewing discovery with Mr. Justice, counsel identified the need to retain the expert services of a digital forensic examiner to conduct an independent inspection of the posts, photos, data, and other images alleged to have been extracted from Mr. Justice's cell phone. In counsel's continuing review of discovery in this case, it is anticipated that one or more pre-trial motions may be filed in this case for the Court's review and consideration prior to proceeding to trial. Having considered the matters raised by the motion to continue the trial date, I find that there is insufficient time to prepare for a trial beginning August 31, 2020 at 1:30 p.m. in Albuquerque, New Mexico. Consequently, the trial setting of August 31, 2020 should be vacated and trial should be rescheduled, if one is needed, on November 2, 2020 at 1:30 p.m. in Albuquerque, New Mexico. I find under 18 U.S.C. §3161(h)(7)(A) that the ends of justice served by granting the motion to continue the trial from August 31, 2020 to November 2, 2020 outweigh the best interests of the public and the Defendant in a speedy trial, because denial of the motion would result in a miscarriage of justice by denying the parties adequate time to prepare for trial. Continuance of the trial from August 31, 2020 to November 2, 2020 does not result from congestion of the Court's docket; instead, continuance is required for the reasons stated above.

**IT IS THEREFORE ORDERED THAT:** The motion to continue the trial date of August 31, 2020 is granted; and

1. **The new date for the call of the calendar is set on, Thursday, October 22, 2020 at 11:00 a.m. at the U.S. Courthouse, 421 Gold Ave. S.W. ~ Sixth Floor Courtroom. The trial is rescheduled on November 2, 2020 at 1:30 p.m., at the U.S. Courthouse, 333 Lomas Blvd. N.W., ~Third Floor, Pecos Courtroom; and**
2. **A Pretrial Conference is set on Wednesday, October 14, 2020 at 1:30 p.m., at the U.S. Courthouse, 333 Lomas Blvd. N.W., ~Third Floor, Pecos Courtroom**
3. The time between August 31, 2020 to November 2, 2020 is excluded for purposes of the Speedy Trial Act, 18 U.S.C. §3161 et seq.

  
SENIOR UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO  
BEFORE THE HONORABLE JAMES A. PARKER

By direction of The Honorable James A. Parker, this case will come on for jury selection and trial on a trailing calendar beginning on Monday, November 2, 2020 at 1:30 p.m. at the U.S. Courthouse, 333 Lomas Blvd. N.W. 3rd Floor– Pecos Courtroom.

A call of the calendar is set for Thursday, October 22, 2020 at 11:00 a.m. The call of the calendar will be held at the U.S. Courthouse, 421 Gold Ave. S.W. 6th Floor Courtroom. The defendant does not need to be present.

Motions in Limine must be filed by September 11, 2020.

Responses to Motions in Limine must be filed by September 18, 2020.

Replies related to Motions in Limine must be filed by September 25, 2020.

Proposed Voir Dire questions to the jury and Jury Instructions must be filed by September 25, 2020.

The court must be advised of all plea agreements **not later than Monday, October 19, 2020**. The court will not accept a plea after that date except to at least one count of the indictment.

Please check the Court's website at:  
<https://www.nmd.uscourts.gov/content/honorable-james-parker>  
for information regarding trial preparation, the call of the calendar, and jury instructions.

Inquiries and notice of change of plea should be directed to Juan Gonzales, Courtroom Deputy at (505) 348-2247.

MITCHELL ELFERS, CLERK OF THE COURT